

## **REMARKS**

This is intended as a supplemental response to the Office Action dated January 31, 2007, having a shortened statutory period for response set to expire on April 30, 2007. Please reconsider the claims pending in the application for reasons discussed below.

Claims 1-26 are pending in the application. Claims 8 and 10-25 remain pending following entry of this response. Claims 1-7, 9 and 26 have been canceled. Claim 8 has been amended into independent form. Applicants submit that the amendments do not introduce new matter and do not raise new issues.

### STATEMENT OF COMMON OWNERSHIP

The present application (Serial No. 09/882,917; hereinafter the "Application") and United States Patent No. 6,785,891, by *Allen et al.* (hereinafter *Allen*), were, at the time the invention of the Application was made, owned by the same entity, or subject to an obligation of assignment to the same entity.

### Claim Rejections - 35 U.S.C. § 102

Claims 1-7, 9, and 26 stand rejected under 35 U.S.C. § 102(e) as being anticipated by *Allen*.

Since claims 1-7, 9, and 26 have been canceled, this rejection is rendered moot.

### Claim Rejections - 35 U.S.C. § 103

Claims 8 and 10-25 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Allen*.

In view of the above statement of common ownership, *Allen* is disqualified as a reference under 35 U.S.C. 103(c) for obviousness-type rejections.

Accordingly, the rejection of claims 8 and 10-25 is overcome. Withdrawal of the rejection and allowance of claims 8 and 10-25 is respectfully requested. Applicants respectfully submit that the Examiner has performed an exhaustive and thorough examination of the claims presented in this application as evidenced by the numerous

office actions issued by the Examiner. Accordingly, further consideration and searching should not be required in response to this amendment. Applicants respectfully request that the rejections be withdrawn and the claims be allowed.

Applicants have amended claim 8 and cancelled claims 1-7, 9 and 26 from further consideration in this application. Applicants are not conceding in this application that those claims are not patentable over the art cited by the Examiner, as the present claim amendments and cancellations are only for facilitating expeditious prosecution of the allowable subject matter which are believed to be present since the *Allen* reference has been disqualified. Applicants respectfully reserve the right to pursue these and other claims in one or more continuations and/or divisional patent applications.

#### Conclusion

Having addressed all issues set out in the office action, Applicants respectfully submit that the claims are in condition for allowance and respectfully request that the claims be allowed.

Respectfully submitted, and  
**S-signed pursuant to 37 CFR 1.4,**

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